

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**BRANISLAV CIZMAR M.D.**

**File No. 8002014002525**

**Physician's and Surgeon's  
Certificate No. A80606**

**Respondent**

**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on January 11, 2018.**

**IT IS SO ORDERED December 12, 2017.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
**Ronald H. Lewis, M.D.  
Chair, Panel A**

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
LORI JEAN FORCUCCI  
Deputy Attorney General  
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*Attorneys for Complainant*

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**BRANISLAV CIZMAR, M.D.**  
**458 Avenida Adobe**  
**Escondido, CA 92029**

**Physician's and Surgeon's License**  
**No. A 80606,**

Respondent.

Case No. 800-2014-002525

OAH No. 2017040490

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Lori Jean Forcucci, Deputy Attorney General.

2. Respondent Branislav Cizmar, M.D. (Respondent) is represented herein by Robert W. Frank, Esq. of Neil, Dymott, Frank, McFall & Trexler, McCabe & Hudson, APLC, whose address is 1010 Second Ave., Ste. 2500, San Diego CA 92101.

3. On or about September 25, 2002, the Board issued Physician's and Surgeon's License No. A 80606 to Branislav Cizmar, M.D. Physician's and Surgeon's License No. A 80606 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2014-002525, and will expire on March 31, 2018, unless renewed.

## JURISDICTION

4. On January 12, 2017, Accusation No. 800-2014-002525 was filed before the Board, and is currently pending against Respondent. On January 12, 2017, a true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent at his address of record on file with the Board. On January 24, 2017, Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2014-002525 is attached as Exhibit A and incorporated herein by reference, as if fully set forth herein.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2014-002525. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws having been fully advised of same by her attorney of record, Robert W. Frank, Esq.

7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent understands and agrees that complainant could establish a prima facie  
3 case with respect to the charges and allegations in Accusation No. 800-2014-002525, a true and  
4 correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his  
5 Physician's and Surgeon's Certificate No. A 80606 to disciplinary action. Respondent further  
6 agrees to be bound by the Board's imposition of Discipline as set forth in the Disciplinary Order  
7 below.

8 **CONTINGENCY**

9 9. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
10 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
11 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
12 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully  
13 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation  
14 prior to the time the Board considers and acts upon it.

15 10. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
16 null and void and not binding upon the parties unless approved and adopted by the Board, except  
17 for this paragraph, which shall remain in full force and effect. Respondent fully understands and  
18 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and  
19 Disciplinary Order, the Board may receive oral and written communications from its staff and/or  
20 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify  
21 the Board, any member thereof, and/or any other person from future participation in this or any  
22 other matter affecting or involving Respondent. In the event that the Board, in its discretion, does  
23 not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of  
24 this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and  
25 shall not be relied upon or introduced in any disciplinary action by either party hereto.  
26 Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary  
27 Order for any reason, Respondent will assert no claim that the Board, or any member thereof, was  
28 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and

1 Disciplinary Order or of any matter or matters related hereto.

2 **ADDITIONAL PROVISIONS**

3 11. This Stipulated Settlement and Disciplinary Order is intended by the parties herein  
4 to be an integrated writing representing the complete, final and exclusive embodiment of the  
5 agreements of the parties in the above-entitled matter.

6 12. The parties understand and agree that Portable Document Format (PDF) and  
7 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and  
8 facsimile signatures thereto, shall have the same force and effect as the originals.

9 13. In consideration of the foregoing admissions and stipulations, the parties agree the  
10 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter  
11 the following Disciplinary Order:

12 **DISCIPLINARY ORDER**

13 A. PUBLIC REPRIMAND

14 IT IS HEREBY ORDERED that Respondent Branislav Cizmar, M.D., Physician's and  
15 Surgeon's Certificate No. A 80606, shall be and is hereby Publicly Reprimanded pursuant to  
16 California Business and Professions Code section 2227, subdivision (a)(4). This Public  
17 Reprimand, which is issued in connection with Respondent's care and treatment of patient L.V.,  
18 as set forth in Accusation No. 800-2014-002525, is as follows:

19 Patient L.V.'s prenatal care was provided by a nurse practitioner (the NP) under  
20 Respondent's supervision. From June 28, 2010, until patient L.V.'s last visit, no physical  
21 examination was documented. Patient L.V.'s file contained no documentation by Respondent of  
22 the following: supervision of the NP; physician review patient L.V.'s medical records;  
23 Respondent's review of a consulting perinatologist's letter which summarized patient L.V.'s  
24 gestational ultrasound evaluation, including fetal anatomy of mild bilateral caliectasis;  
25 Respondent's review of handwritten notes concerning the ultrasound findings; a discussion  
26 between Respondent and patient L.V. regarding the diagnosis and alternatives; or Respondent's  
27 review of the NP's discussion of the diagnosis and alternatives with patient L.V. Respondent did  
28 not order follow-up testing.

1       B. MEDICAL RECORD KEEPING COURSE

2       Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
3 course in medical record keeping equivalent to the Medical Record Keeping Course offered by  
4 the Physician Assessment and Clinical Education Program, University of California, San Diego  
5 School of Medicine (Program), approved in advance by the Board or its designee. Respondent  
6 shall provide the program with any information and documents that the Program may deem  
7 pertinent. Respondent shall participate in and successfully complete the classroom component of  
8 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall  
9 successfully complete any other component of the course within one (1) year of enrollment. The  
10 medical record keeping course shall be at Respondent's expense and shall be in addition to the  
11 Continuing Medical Education (CME) requirements for renewal of licensure.

12       A medical record keeping course taken after the acts that gave rise to the charges in the  
13 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
14 or its designee, be accepted towards the fulfillment of this condition if the course would have  
15 been approved by the Board or its designee had the course been taken after the effective date of  
16 this Decision.

17       Respondent shall submit a certification of successful completion to the Board or its  
18 designee not later than 15 calendar days after successfully completing the course, or not later than  
19 15 calendar days after the effective date of the Decision, whichever is later.

20       Failure to participate in and successfully complete the medical record keeping course, as  
21 outlined above, shall constitute unprofessional conduct and grounds for further disciplinary  
22 action.

23       C. EDUCATION COURSEWORK

24       Within 60 calendar days of the effective date of this Decision, Respondent shall submit to  
25 the Board or its designee for its prior approval educational program(s) or course(s) which shall  
26 not be less than ten (10) hours, to be successfully completed no later than 12 months after the  
27 effective date of this Decision and Order. The educational program(s) or course(s) shall be in the  
28 area of Nurse Practitioner Supervision, aimed at correcting areas of deficient practice or

1 knowledge, and shall be Category I certified. The educational program(s) or course(s) shall be at  
2 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)  
3 requirements for renewal of licensure. Following the completion of each course, the Board or its  
4 designee may administer an examination to test respondent's knowledge of the course. In  
5 addition to the Continuing Medical Education (CME) requirements for renewal of licensure,  
6 Respondent shall provide proof of attendance for 10 hours in satisfaction of this condition.

7 ACCEPTANCE

8 I, Branislav Cizmar, M.D., have carefully read this Stipulated Settlement and Disciplinary  
9 Order and, having the benefit of counsel, enter into it freely, voluntarily, intelligently, and with  
10 full knowledge of its force and effect on my Physician's and Surgeon's Certificate No. A80606. I  
11 fully understand that, after signing this stipulation, I may not withdraw from it, that it shall be  
12 submitted to the Medical Board of California for its consideration, and that the Board shall have a  
13 reasonable period of time to consider and act on this stipulation after receiving it. By entering  
14 into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall be  
15 publicly reprimanded by the Board and shall be required to comply with all of the terms and  
16 conditions of the Disciplinary Order set forth above. I also fully understand that any failure to  
17 comply with the terms and conditions of the Disciplinary Order set forth above shall constitute  
18 unprofessional conduct and will subject my Physician's and Surgeon's Certificate No. A80606 to  
19 further disciplinary action. I agree to be bound by the Decision and Order of the Medical Board  
20 of California.

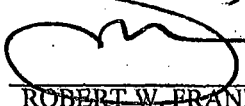
21 DATED: 09/21/2017

22   
BRANISLAV CIZMAR, M.D.

Respondent

23 I have read and fully discussed with Respondent Branislav Cizmar, M.D., the terms and  
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
25 I approve its form and content.

26 DATED: 9/22/2017

27   
ROBERT W. FRANK, ESQ.  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 9.23.17

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

  
LORI JEAN FORCUCCI  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2014-002525**

1 KATHLEEN A. KENEALY  
Acting Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 LORI JEAN FORCUCCI  
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8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Jan 12 20 17  
BY hda ANALYST

10 BEFORE THE  
11 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 **In the Matter of the Accusation Against:**

Case No. 800-2014-002525

14 **Branislav Cizmar, M.D.**  
15 **458 Avenida Adobe**  
**Escondido, CA 92029**

**ACCUSATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 80606,**

18 **Respondent.**

19 **Complainant alleges:**

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about September 25, 2002, the Medical Board issued Physician's and  
25 Surgeon's Certificate No. A 80606 to Branislav Cizmar, M.D. (Respondent). Physician's and  
26 Surgeon's Certificate No. A 80606 was in full force and effect at all times relevant to the charges  
27 brought herein and will expire on March 31, 2018, unless renewed.

28 **///**

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2220 of the Code states, in pertinent part:

“Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter.” [Chapter 5, the Medical Practice Act.]

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or have such other action taken in relation to discipline as the board deems proper.

6. Section 2234 of the Code states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

“...

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

“(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the

1 licensee's conduct departs from the applicable standard of care, each departure  
2 constitutes a separate and distinct breach of the standard of care.

3 "..."

4 7. Section 2266 of the Code states:

5 "The failure of a physician and surgeon to maintain adequate and accurate  
6 records relating to the provision of services to their patients constitutes  
7 unprofessional conduct."

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Repeated Negligent Acts)**

10 8. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined  
11 by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his  
12 care and treatment of patient L.V., as more particularly alleged hereinafter:

13 9. In or about June of 2010, and at all times mentioned herein, Respondent was the  
14 supervising physician for Family Nurse Practitioner R.K., who worked at Respondent's medical  
15 office, North County Women's Specialist.

16 10. On or about June 28, 2010, patient L.V. was a female born in 1974, presenting to the  
17 North County Women's Specialist medical office (NCWS) during her second pregnancy, at  
18 approximately ten weeks gestation.

19 A. Prior to her first appointment, on or about June 16, 2010, patient L.V. signed  
20 and dated a genetic screening consent form which provided that she declined testing for Cystic  
21 Fibrosis, declined testing for Sickle Cell Anemia, and declined testing for Tay-Sachs Disease, but  
22 she circled "I do desire" first trimester genetic screening, second trimester genetic screening and  
23 invasive genetic testing (Chorionic villus sampling (CVS) or amniocentesis<sup>1</sup>).<sup>2</sup>

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25 <sup>1</sup> Chorionic villus sampling (CVS ) and amniocentesis are tests performed in pregnancy  
26 to identify chromosomal abnormalities.

27 <sup>2</sup> Addressed in the Second Cause for Discipline below, in addition to the consent form  
28 requesting testing, patient L.V.'s medical file contained an additional consent form which stated  
"I do not desire" invasive genetic testing, however, it was unsigned and undated.

11. From on or about June 28, 2010, until her last visit at NCWS, no physical examination of patient L.V. was documented in her prenatal records.

12. Patient L.V.'s prenatal records were initialed by Family Nurse Practitioner R.K. Respondent did not initial any of patient L.V.'s prenatal records. Respondent did not document his supervision of Family Nurse Practitioner R.K., or document any chart review in patient L.V.'s medical records.

13. Respondent met patient L.V. on one patient visit, but did not document that meeting in her medical records.

14. In her mid-second trimester, patient L.V. was referred to a specialist (Dr. G.B.) at Maternal Fetal Medicine for an ultrasound. Prenatal second trimester screening results dated August 11, 2010, returned negative and were not signed or initialed.

15. On or about August 24, 2010, Respondent consulted Dr. G.B. regarding patient L.V. In his letter addressed to Respondent dated August 24, 2010, Dr. G. B. summarized patient L.V.'s 18-19 weeks gestation ultrasound evaluation, documenting anterior placenta, normal amniotic fluid volume, fetal anatomy of mild bilateral caliectasis,<sup>3</sup> 4-6 mm maximum diameter, and no soft markers for genetic abnormalities<sup>4</sup> (August 24, 2010, ultrasound letter.) Dr. G.B. documented that patient L.V. declined genetic amniocentesis with him at that time.

16. At the salutation line of the August 24, 2010, ultrasound letter, Family Nurse Practitioner R.K.'s name is written. Respondent did not review or document review by signing Dr. B.'s August 24, 2010, ultrasound letter.

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<sup>3</sup> Caliectasis is a medical condition in which the calyces of the kidneys become dilated. The calyces are the kidney chambers through which the urine passes.

<sup>4</sup> "Soft markers" identify a significant increase in fetal risk for genetic disease.

1        17. On or about August 24, 2010, a handwritten Obstetric Ultrasound Report of that date  
2 documented "r/o anomaly" for this ultrasound<sup>5</sup> and "abnormal findings" of "bilateral mild renal  
3 caliectasis." Further noted was "single breech c/w 18-19 weeks anterior placenta normal AF<sup>6</sup>  
4 amnio<sup>7</sup> declined."

5        18. Respondent did not review and/or did not document his review of the handwritten  
6 notes regarding the ultrasound findings in the August 24, 2010, ultrasound report.

7        19. Respondent did not confirm, and/or did not document that he confirmed, that Family  
8 Nurse Practitioner R.K. discussed the abnormal ultrasound findings in the August 24, 2010,  
9 ultrasound report with patient L.V., and/or explained the diagnosis to patient L.V.

10       20. On or about August 24, 2010, after Respondent received patient L.V.'s abnormal  
11 ultrasound findings, Respondent did not order follow-up testing on patient L.V.

12       21. On and after about August 24, 2010, after Respondent received patient L.V.'s  
13 abnormal ultrasound findings, Respondent did not confirm, and/or did not review patient L.V.'s  
14 prenatal records to confirm that Family Nurse Practitioner R.K. documented advising patient L.V.  
15 of alternatives, including termination of the pregnancy up to 24 weeks.

16       22. On or about September 28, 2010, October 26, 2010, and November 16, 2010, patient  
17 L.V. presented to NCWS for additional prenatal appointments with Family Nurse Practitioner  
18 R.K.

19       23. On or about January 3, 2011, patient L.V. was called to be seen that day for a non-  
20 stress test with a diagnosis of low fluid, and was referred to perinatology. Patient L.V. was  
21 referred for evaluation at Palomar Medical Center at 37 weeks and 1 day, with oligohydramnios<sup>8</sup>  
22 and enlarged fetal kidneys bilaterally. Patient L.V. was referred to a perinatologist at Sharp Mary  
23

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24       <sup>5</sup> The abbreviation r/o can be used to mean "rule out."

25       <sup>6</sup> The abbreviation "AF" can be used to mean arterial fibrillation.

26       <sup>7</sup> The abbreviation "amnio" can be used to mean amniocentesis.

27       <sup>8</sup> Oligohydramnios is the decrease in amniotic fluid volume sufficient to cause  
28 deformations in fetal morphogenesis (*i.e.*, the biological process that causes an organism to  
develop its shape).

1 Birch Hospital with possible polycystic kidney disease.<sup>9</sup> An obstetric ultrasound taken  
2 documented virtual anhydramnios<sup>10</sup>

3 24. On or about May 6, 2011, patient L.V. gave birth to an eight pound one ounce baby  
4 boy (Baby D.V.) at 40 weeks, by normal spontaneous vaginal delivery. Baby D.V. required  
5 multiple specialist consultations, for kidneys, anemia and hypertension, and was treated for  
6 presumed autosomal recessive polycystic kidney disease.<sup>11</sup> Baby D.V. passed away on October  
7 8, 2014.

8 25. Respondent committed repeated negligent acts in his care and treatment of patient  
9 L.V., which included, but were not limited to the following:

10 (a) From on or about June 2010, until patient L.V.'s last visit at NCWS, Respondent  
11 failed to adequately document his meeting with patient L.V. in her medical records;

12 (b) From on or about June 2010, until patient L.V.'s last visit at NCWS, Respondent  
13 failed to adequately document his supervision of Family Nurse Practitioner R.K.'s care of patient  
14 L.V., including but not limited to chart review of patient L.V.'s medical records;

15 (c) Respondent failed to timely review and sign the August 24, 2010, ultrasound letter  
16 and/or ultrasound report concerning patient L.V.;

17 (d) Respondent failed to confirm by conducting a chart review, and documenting that  
18 Family Nurse Practitioner R.K. discussed the findings from the August 24, 2010 abnormal  
19 ultrasound with patient L.V.;

20 (e) Respondent failed to confirm by conducting a chart review, and documenting that  
21 Family Nurse Practitioner R.K. explained patient L.V.'s diagnosis to her, after receipt of her  
22 August 24, 2010, abnormal ultrasound;

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24 <sup>9</sup> Polycystic kidney disease is an inherited disorder in which clusters of cysts develop  
25 primarily within the kidneys.

26 <sup>10</sup> Anhydramnios is a condition occurring in pregnancy, in which there is little or no  
amniotic fluid around the fetus.

27 <sup>11</sup> Autosomal recessive polycystic kidney disease is the recessive form of polycystic  
28 kidney disease.

1 (f) Respondent failed to order follow up testing after receipt of patient L.V.'s August 24,  
2 2010, abnormal ultrasound; and,

3 (g) After receipt of patient L.V.'s August 24, 2010, abnormal ultrasound findings,  
4 Respondent failed to confirm by conducting a chart review, and document, that Family Nurse  
5 Practitioner R.K. had a discussion with patient L.V. regarding alternatives, including but not  
6 limited to termination of the pregnancy up to 24 weeks, and documented that discussion.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain Adequate and Accurate Medical Records)**

9 26. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
10 defined by section 2266, of the Code, in that he failed to maintain adequate and accurate records  
11 regarding his care and treatment of patient L.V., as more particularly alleged in paragraphs 8  
12 through 25, above, which are hereby incorporated by reference and re-alleged as if fully set forth  
13 herein.

14 27. In or about June 2010, and at all times during her 2010-2011 pregnancy, Respondent  
15 failed to document offering to patient L.V., the option for Aneuploidy screening (for the presence  
16 of an abnormal number of chromosomes in a cell) or genetic testing for fetal genetic disorders.

17 28. In addition to the consent form dated on or about June 16, 2010, in which patient L.V.  
18 circled "I do desire" first trimester genetic screening, second trimester genetic screening and  
19 invasive genetic testing (Chorionic villus sampling (CVS) or amniocentesis), her medical file  
20 contained an additional, unsigned, undated copy of the genetic screening consent form which  
21 stated "I do not desire" invasive genetic testing.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Violating or Attempting to Violate, Directly or Indirectly, Assisting in or Abetting the**  
24 **Violation of, or Conspiring to Violate Any Provision of the Act)**

25 29. Respondent is further subject to disciplinary action under sections 2227 and 2234,  
26 subdivision (a) the Code, in that he violated or attempted to violate, directly or indirectly, or  
27 assisted in or abetted the violation of, or conspired to violate any provision of the Act in his care

28 ///



1 and treatment of patient L.V., as more particularly alleged in paragraphs in 8 through 28, above,  
2 which are hereby incorporated by reference as if fully set forth herein.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Medical Board of California issue a decision:


6 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 80606 issued to  
7 Respondent Branislav Cizmar, M.D.;

8 2. Revoking, suspending or denying approval of Respondent Branislav Cizmar, M.D.'s  
9 authority to supervise physician assistants, pursuant to section 3527 of the Code;

10 3. Ordering Respondent Branislav Cizmar, M.D., if placed on probation, to pay the  
11 Board the costs of probation monitoring; and

12 4. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: January 12, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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